

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

8 FEB 1994

Martin McIntyre
Water System Supervisor
1910 E. University Street
Fresno, CA 93703

RE: Termination of Final Administrative Order
Docket No. PWS-FAO-93-103
FRESNO, CITY OF, PWS ID #CA1010007

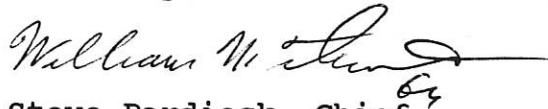
Dear Mr. McIntyre:

On December 29, 1992, the U.S. Environmental Protection Agency issued a Final Administrative Order to FRESNO, CITY OF for failing to comply with the federal Lead and Copper Rule. The specific violations were failure to conduct required sampling for lead and copper during the initial monitoring period of January 1, 1992, and failure to report the monitoring results to the state of California.

Based on a thorough examination of all monitoring data submitted to this office as required by the Order, EPA has determined that all requirements have been met and the Order is terminated.

We thank you for your cooperation in fully complying with this Order, and for the steps you took to protect public health. If you have any questions regarding this action, please contact Patrick Chan of my staff at (415) 744-1845.

Sincerely,



Steve Pardieck, Chief
Drinking Water and Ground
Water Protection Branch

cc: Dr. Harvey F. Collins, Director, Division of Drinking Water
and Environmental Management, CA HOHS
Cindy Fobres, California DHS
Perri Standish-Lee, HDR Engineering, Inc.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

Martin McIntyre
Water System Supervisor
1910 E. University Street
Fresno, CA 93703

Dear Mr. McIntyre:

On December 29, 1992, the U.S. Environmental Protection Agency issued a Final Administrative Order to FRESNO, CITY OF for failing to comply with the federal Lead and Copper Rule. The specific violations were failure to conduct required sampling for lead and copper during the initial monitoring period of January 1, 1992, and failure to report the monitoring results to the state of California.

Based on a thorough examination of all monitoring data submitted to this office as required by the Order, EPA has determined that all requirements have been met and the Order is terminated.

We thank you for your cooperation in fully complying with this Order, and for the steps you took to protect public health. If you have any questions regarding this action, please contact Patrick Chan of my staff at (415) 744-1845.

Sincerely,

Steve Pardieck, Chief
Drinking Water and Ground
Water Protection Branch

~~cc: Dr. Harvey F. Collins, Director, Division of Drinking Water and Environmental Management~~ **CONCURRENCES:** ~~HOHS~~

SYMBOL	and Environmental Management, RUSA HOHS					
SURNAME	Cindy Fobres, California DHS		W-6-4	W-6-4	u-6	
DATE	Perri Standish-Lee, HDR Engineering, Inc.		Chan	Young	Winniford	
EPA Form 1320-1 (12-70)	Mailed	KE	2/9/94	2-4-94	2/7/94	2/8/94



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, Ca. 94105-3901

In reply
Refer to: W-6-4

CERTIFIED MAIL
P 659 218 083
RETURN RECEIPT REQUESTED

Martin McIntyre
Water System Supervisor
City of Fresno
1910 E. University Ave.
Fresno, CA 93703

RE: FINAL ADMINISTRATIVE ORDER Docket No. PWS-FAO-9³2-103
City of Fresno PWS ID No. CA1010007

Dear Mr. McIntyre:

The Environmental Protection Agency ("EPA") is issuing the enclosed "Final Administrative Order", which finds that the City of Fresno has violated the Safe Drinking Water Act ("SDWA"), 42 U.S.C. §300f et seq., and its implementing regulations for lead and copper monitoring, 40 CFR Part 141, Subpart I. Among other things, the Final Administrative Order finds that you are a public water supplier as defined by the SDWA and therefore are subject to its requirements. EPA finds that you have violated the SDWA and its regulations for lead and copper monitoring, 40 CFR Part 141, Subpart I. The enclosed Final Administrative Order requires your compliance with these requirements of the SDWA and its implementing regulations.

A copy of the enclosed Final Administrative Order has been sent to the California Department of Health Services.

As set forth in the cover letter accompanying the Proposed Administrative Order, dated October 2, 1992, you were entitled to request a public hearing to comment on the Proposed Administrative Order. EPA might also have conducted such a public hearing upon the request of the California Department of Health Services, persons served by the system or if there was sufficient public interest to justify a hearing. No such requests for a public hearing were made.

Printed on Recycled Paper

W-6-4
Chan
12-28-92

W-6-4
Ellison
12-28-92

Concurrences

W-6
Hawley
12/29/92

Full compliance with the SDWA and its implementing regulations is now required within the timeframes set forth in the Final Administrative Order. If you violate the Final Administrative Order, you will be subject to either (i) an administratively assessed civil penalty of up to a total of \$5,000, or (ii) a court-imposed civil penalty of up to \$25,000 per day per violation for each such day in which a violation occurs. See §1414(g) of the SDWA, 42 U.S.C. §300g-3(g).

Please note that the issuance of this Final Administrative Order does not constitute a waiver, suspension or modification of the requirements of the SDWA or its implementing regulations or any of the deadlines prescribed in the lead and copper rule. Specifically, large public water systems are still expected to complete their corrosion control studies by the original due date of July 1, 1994, and comply with all subsequent monitoring and treatment requirements of the lead and copper rule, 40 CFR Part 141, Subpart I.

Your immediate compliance with the Final Administrative Order is required.

Sincerely,

William M. Thurston, Chief
Drinking Water and Ground
Water Protection Branch

Enclosures

cc: Peter A. Rogers, DOHS (w/o enclosures)
Richard Haberman, District Engineer, DOHS (w/o enclosures)
Perri Standish-Lee, HDR Engineering, Inc., El Dorado Hills
(w/enclosures)

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)
IN THE MATTER OF)
)
City of Fresno) Docket No. PWS-FAO-93-103
1910 E. University Avenue)
Fresno, CA 93703)
)
PWS ID No. CA1010007)
)
)
Proceedings Under Section)
1414(g) of the Safe Drinking)
Water Act, 42, U.S.C. §300g-3(g))
)
-----)

The following findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1414(g) of the Safe Drinking Water Act, 42 U.S.C. §300g-3(g) ("the Act"). The authority to take these actions has been duly redelegated to the undersigned Chief, Drinking Water and Ground Water Protection Branch, Water Management Division, Region IX.

1. The City of Fresno (Respondent) owns and operates a public water system, located in Fresno, California, providing piped water to the public for human consumption.
2. Respondent regularly provides piped water for human consumption to at least 50,000 people. Respondent is a large size water system and is a "public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. §300f(4), and also a "community water system" within the meaning of 40 CFR §141.2.

W-6-4
Chan
12-28-92

W-6-4
Ellison
12-28-92

W-6-4
Thurber
12/29/92

3. Respondent is a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. §300f(5) and 40 CFR §141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. §300g, and its implementing regulations, 40 CFR Part 141.
4. The State of California (the State) has not yet adopted the federal lead and copper regulations found at 40 CFR Part 141 Subpart I. As a result, EPA has primary responsibility for enforcing the requirements of the lead and copper rule, 40 CFR Part 141 Subpart I.
5. On October 2, 1992, EPA issued a Proposed Administrative Order pursuant to 1414(g) of the SDWA, 42 U.S.C. §300g-3(g). The Proposed Administrative Order provided both the state of California and Respondent with an opportunity to request a public hearing. EPA also published a notice of the issuance of the Proposed Administrative Order in the Fresno Bee, Fresno, California, on October 20, 1992. EPA did not receive any requests for a public hearing. However, EPA did confer informally with Mr. Douglas Kirk, a senior staff person from the Fresno Water Department, several times during the period of October to December, 1992. EPA informed the Respondent of its responsibilities under the federal regulations. Consequently, EPA is authorized pursuant to Section 1414(g) of the SDWA, 42 U.S.C. §300g-3(g), to issue this Final Administrative Order.
6. 40 CFR §141.86 requires Respondent to monitor tap water for lead and copper during the six-month compliance period beginning January 1, 1992.
7. Respondent violated 40 CFR §141.86 by failing to monitor for lead and copper during the period January 1 - June 30, 1992.
8. 40 CFR §141.87 requires Respondent to monitor water quality parameters in addition to lead and copper during the six month compliance period beginning January 1, 1992.
9. Respondent violated 40 CFR §141.87 by failing to monitor water quality parameters during the period January 1 - June 30, 1992.
10. 40 CFR §141.90(a) requires Respondent to report to the State, specified information for all tap water samples and water quality parameter samples within the first ten days following the end of each monitoring period specified in 40 CFR §141.86.

11. Respondent violated 40 CFR §141.90(a) by failing to report the specified monitoring information within the required compliance period to the State.
12. Based on the nature of Respondent's violations of 40 CFR §141.86, §141.87, and §141.90(a), and based upon the available remedies for these violations, the number of days set forth in this Order for Respondent to achieve compliance is reasonable.

ORDER

Based on the foregoing Findings, and pursuant to the authority of Section 1414(g) of the Act, I HEREBY ORDER that:

1. During the six-month period of January to June, 1993, the system owner shall comply with all requirements as specified in the Act and 40 CFR Part 141 Subpart I (Control of Lead and Copper). Respondent shall:
 - (a) Conduct a materials analysis and select sampling sites in accordance with Section 141.86 (a);
 - (b) Collect samples that are first-draw, one-liter in volume, and have stood motionless for at least six hours in accordance with Section 141.86 (b);
 - (c) Collect 60 samples (for water systems serving populations of 50,001 to 100,000) or 100 samples (for water systems serving populations greater than 100,000) in accordance with §141.86 (c);
 - (d) Monitor water quality parameters in addition to lead and copper in accordance with Section 141.87; and
 - (e) Report the results of the tap water monitoring for lead and copper and water quality parameters in accordance with Section 141.90 (a), including:
 - i. the location of each site and criteria under which the site was selected for the system's sampling pool;
 - ii. certification that each first draw sample collected is one-liter in volume, and to the best of one's knowledge, has stood motionless in the service line, or in the interior plumbing of a sampling site, for at least six hours;
 - iii. where residents collected samples, a certification that each tap sample collected by the residents was taken after the water system informed them of proper sampling procedures specified in Section 141.86(b)(2);
 - iv. the 90th percentile lead and copper concentrations measured from among all lead and copper tap water samples collected during each monitoring period [calculated in accordance with §141.80(c)(3)];

- v. the results of all tap samples for pH, alkalinity, calcium, conductivity, temperature and, where applicable, orthophosphate or silica collected under §141.87(b)-(e); and
 - vi. the results of all samples collected at the entry point(s) to the distribution system and from the required number of sampling sites within the distribution system for applicable water quality parameters under §141.87(b)-(e).
2. Such reporting required by paragraph 1 of this order and 40 CFR Subpart I shall be sent to the following addresses upon the completion of the required monitoring but no longer than July 11, 1993:

U.S. EPA, Region IX
75 Hawthorne Street (W-6-4)
San Francisco, CA 94105

Attn: Patrick Chan
Drinking Water & Ground
Water Protection Branch

PWS-FAO-93-103
Phone Number (415) 744-1845

California Department of
Health Services
Office of Drinking Water
5545 East Shields Ave.
Fresno, CA 93727

Attn: Cindy Forbes
District Engineer

PWS ID No. CA1010007
Phone Number (209) 297-3883

GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension or modification of the requirements of the Safe Drinking Water Act or any of the regulations promulgated thereunder, including, but not limited to 40 CFR §141.86, §141.87, and §141.90(a) which remain in full force and effect. Specifically, the Respondent shall complete its corrosion control study by the original due date of July 1, 1994, and comply with all subsequent monitoring and treatment requirements of the lead and copper rule, 40 CFR Part 141, Subpart I. Issuance of this Order is not an election by EPA to forgo any civil or any criminal action otherwise authorized under the Act.
2. Violation of any term of this Order may subject the Respondent to an administrative civil penalty of up to \$5,000 under Section 1414(g)(3)(B) of the Act, 42 U.S.C. 300g-3(g)(3)(B) or a civil penalty of not more than \$25,000 per day of violation, assessed by an appropriate United States district court, under §1414(g)(3)(A) and (C) of the Act, 42 U.S.C. 300g-3(g)(3)(A) and (C).
3. This Order shall be effective upon receipt. This Order shall remain in effect until the Respondent has complied with the monitoring and reporting requirements specified and cited in this Order.

Dated this _____ day of _____, 1992

William M. Thurston
Chief, Drinking Water and
Ground Water Protection Branch
Water Management Division
U.S. EPA, Region IX



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

2 OCT 1992

In reply
Refer to: W-6-4

CERTIFIED MAIL
P 659-218-432
RETURN RECEIPT REQUESTED

City of Fresno
1910 E University Street
Fresno, CA 93703

Re: PROPOSED ADMINISTRATIVE ORDER Docket No. PWS-PAO-93-007
City of Fresno CA1010007

Dear Owner/Operator:

Enclosed you will find a document entitled "Proposed Administrative Order" and a copy of the procedures the Administrator of the Environmental Protection Agency (EPA) follows in proposing and issuing such orders to public water systems which have violated the Safe Drinking Water Act (SDWA), 42 U.S.C. §300f et seq., and its implementing regulations, 40 C.F.R. Part 141.

EPA is issuing to you the enclosed Proposed Administrative Order (PAO). Among other things, the PAO finds that the above referenced entity is a public water system as defined by the SDWA and therefore is subject to its requirements. EPA finds that the above referenced public water system has violated certain provisions of the SDWA and its implementing regulations regarding lead and copper. The enclosed PAO requires the system's compliance with the SDWA and its implementing regulations.

You are entitled to a public hearing for EPA to receive additional information for use in reviewing the extent and nature of your violations and the reasonableness of the compliance schedule contained in the PAO. In addition, EPA may conduct a public hearing if, within fourteen days of the date of public notice of the enclosed PAO, the public has expressed a significant interest in the convening of a public hearing. With or without a public hearing EPA may issue, amend or withdraw the enclosed PAO.

If you wish a public hearing, a written request containing a summary of the information to be presented at the hearing must be submitted to the following address within fourteen days of your receipt of the enclosed PAO:

U.S. EPA, Region IX
75 Hawthorne Street
San Francisco, CA 94105
Attn: Patrick Chan PWS-PAO-93-007
Drinking Water and Ground Water Protection Branch (W-6-4)

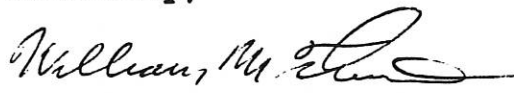
Please note that if you wish to provide EPA with additional information relevant to the enclosed PAO, you may do so without requesting a public hearing. If within thirty (30) days of your receipt of the enclosed PAO you provide EPA with information that demonstrates your compliance with the SDWA and its implementing regulations for lead and copper, this information will be used in our decision to issue the Final Administrative Order.

If you have any questions or wish to have an informal conference with EPA, please contact Patrick Chan of the Compliance and Enforcement Section, at (415) 744-1845.

Full compliance with the SDWA and its implementing regulations will be required within the time-frames set forth in the Final Administrative Order. If you violate the Administrative Order after it has been issued in final form, you will be subject to either (i) an administratively assessed civil penalty of up to a total of \$5,000 or (ii) a court-imposed civil penalty of up to \$25,000 per day per violation for each such day in which a violation occurred. See §1414(g) of the SDWA, 42 U.S.C. §300g-3(g). You should also be aware that issuance of the Order does not constitute an election by EPA to forego any legal action otherwise authorized under the SDWA.

We urge your prompt attention to this matter.

Sincerely,


William M. Thurston, Chief
Drinking Water and Ground
Water Protection Branch

Enclosures

cc: Peter A. Rogers, DOHS (w/o enclosures)
Ms. Cindy Forbes, DOHS (w/o enclosures)

REGION IX

3. Respondent is a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. §300f(5) and 40 CFR §141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. §300g, and its implementing regulations, 40 CFR Part 141.
4. The State of California (the State) has not yet adopted the Federal Lead and Copper Regulation found at 40 CFR Part 141 Subpart I. As a result, EPA has primary responsibility for enforcing the requirements of the Lead and Copper Rule, 40 CFR Part 141 Subpart I.
5. 40 CFR §141.86 requires Respondent to monitor tap water for lead and copper during the six-month compliance period beginning January 1, 1992.
6. Respondent violated 40 CFR §141.86 by failing to monitor for lead and copper during the period January 1 - June 30, 1992.
7. 40 CFR §141.87 requires Respondent to monitor water quality parameters in addition to lead and copper during the six month compliance period beginning January 1, 1992.
8. Respondent violated 40 CFR §141.87 by failing to monitor water quality parameters beginning on January 1, 1992.
9. 40 CFR §141.90(a) requires Respondent to report to the State, specified information for all tap water samples and water quality parameter samples within the first ten days following the end of each monitoring period specified in 40 CFR §141.86.
10. Respondent violated 40 CFR §141.90(a) by failing to report the specified monitoring information within the required compliance period to the State.
11. Based on the nature of Respondent's violations of 40 CFR §141.86, §141.87, and §141.90(a), and based upon the available remedies for these violations, the number of days set forth in this Order for Respondent to achieve compliance is reasonable.

PROPOSED ORDER

ORDER

Based on the foregoing Findings, and pursuant to the authority of Section 1414(g) of the Act, I HEREBY ORDER that:

1. During the six-month period of January to June, 1993, the system owner shall comply with all requirements as specified in the Act and 40 CFR Part 141 Subpart I (Control of Lead and Copper). Respondent shall:
 - (a) Conduct a materials analysis and select sampling sites in accordance with Section 141.86 (a);
 - (b) Collect samples that are first-draw, one-liter in volume, and have stood motionless for at least six hours in accordance with Section 141.86 (b);
 - (c) Collect 60 samples (for water systems serving populations of 50,001 to 100,000) or 100 samples (for water systems serving populations greater than 100,000) in accordance with §141.86 (c);
 - (d) Monitor water quality parameters in addition to lead and copper in accordance with Section 141.87; and
 - (e) Report the results of the tap water monitoring for lead and copper and water quality parameters in accordance with Section 141.90 (a), including:
 - i. the location of each site and criteria under which the site was selected for the system's sampling pool;
 - ii. certification that each first draw sample collected is one-liter in volume, and to the best one's knowledge, has stood motionless in the service line, or in the interior plumbing of a sampling site, for at least six hours;
 - iii. where residents collected samples, a certification that each tap sample collected by the residents was taken after the water system informed them of proper sampling procedures specified in Section 141.86(b)(2);
 - iv. the 90th percentile lead and copper concentrations measured from among all lead and copper tap water samples collected during each monitoring period [calculated in accordance with §141.80(c)(3)];

PROPOSED ORDER

- v. the results of all tap samples for pH, and where applicable, alkalinity, calcium, conductivity, temperature, and orthophosphate or silica collected under §141.87(b)-(e); and
 - vi. the results of all samples collected at the entry point(s) to the distribution system for applicable water quality parameters under §141.87(b)-(e).
2. Such reporting required by paragraph 1 of this order and 40 CFR Subpart I shall be provided by certified mail to the following address:

U.S. EPA, Region IX
75 Hawthorne Street (W-6-4)
San Francisco, CA 94105

Attn: Patrick Chan
Drinking Water & Ground Water
Protection Branch

PWS-PAO-93-007
Phone Number (415) 744-1845

PROPOSED ORDER

GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension or modification of the requirements of the Safe Drinking Water Act or any of the regulations promulgated thereunder, including, but not limited to 40 CFR §141.86, §141.87, and §141.90(a) which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or any criminal action otherwise authorized under the Act.
2. Violation of any term of this Order may subject the Respondent to an administrative civil penalty of up to \$5,000 under Section 1414(g)(3)(B) of the Act, 42 U.S.C. 300g-3(g)(3)(B) or a civil penalty of not more than \$25,000 per day of violation, assessed by an appropriate United States district court, under §1414(g)(3)(A) and (C) of the Act, 42 U.S.C. 300g-3(g)(3)(A) and (C).
3. This Order shall be effective upon receipt. This Order shall remain in effect until the Respondent has complied with the monitoring and reporting requirements specified and cited in this Order.

Dated this _____ day of _____, 1992

William M. Thurston
Chief, Drinking Water and
Ground Water Protection Branch
Water Management Division
U.S. EPA, Region IX

PROPOSED ORDER



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

2 OCT 1992

In reply
Refer to: W-6-4

CERTIFIED MAIL
P 659-218-432
RETURN RECEIPT REQUESTED

City of Fresno
1910 E University Street
Fresno, CA 93703

Re: PROPOSED ADMINISTRATIVE ORDER Docket No. PWS-PAO-93-007
City of Fresno CA1010007

Dear Owner/Operator:

Enclosed you will find a document entitled "Proposed Administrative Order" and a copy of the procedures the Administrator of the Environmental Protection Agency (EPA) follows in proposing and issuing such orders to public water systems which have violated the Safe Drinking Water Act (SDWA), 42 U.S.C. §300f et seq., and its implementing regulations, 40 C.F.R. Part 141.

EPA is issuing to you the enclosed Proposed Administrative Order (PAO). Among other things, the PAO finds that the above referenced entity is a public water system as defined by the SDWA and therefore is subject to its requirements. EPA finds that the above referenced public water system has violated certain provisions of the SDWA and its implementing regulations regarding lead and copper. The enclosed PAO requires the system's compliance with the SDWA and its implementing regulations.

You are entitled to a public hearing for EPA to receive additional information for use in reviewing the extent and nature of your violations and the reasonableness of the compliance schedule contained in the PAO. In addition, EPA may conduct a public hearing if, within fourteen days of the date of public notice of the enclosed PAO, the public has expressed a significant interest in the convening of a public hearing. With or without a public hearing EPA may issue, amend or withdraw the enclosed PAO.

If you wish a public hearing, a written request containing a summary of the information to be presented at the hearing must be submitted to the following address within fourteen days of your receipt of the enclosed PAO:

U.S. EPA, Region IX
75 Hawthorne Street
San Francisco, CA 94105
Attn: Patrick Chan PWS-PAO-93-007
Drinking Water and Ground Water Protection Branch (W-6-4)


Please note that if you wish to provide EPA with additional information relevant to the enclosed PAO, you may do so without requesting a public hearing. If within thirty (30) days of your receipt of the enclosed PAO you provide EPA with information that demonstrates your compliance with the SDWA and its implementing regulations for lead and copper, this information will be used in our decision to issue the Final Administrative Order.

If you have any questions or wish to have an informal conference with EPA, please contact Patrick Chan of the Compliance and Enforcement Section, at (415) 744-1845.

Full compliance with the SDWA and its implementing regulations will be required within the time-frames set forth in the Final Administrative Order. If you violate the Administrative Order after it has been issued in final form, you will be subject to either (i) an administratively assessed civil penalty of up to a total of \$5,000 or (ii) a court-imposed civil penalty of up to \$25,000 per day per violation for each such day in which a violation occurred. See §1414(g) of the SDWA, 42 U.S.C. §300g-3(g). You should also be aware that issuance of the Order does not constitute an election by EPA to forego any legal action otherwise authorized under the SDWA.

We urge your prompt attention to this matter.

Sincerely,


William M. Thurston, Chief
Drinking Water and Ground
Water Protection Branch

Enclosures

cc: Peter A. Rogers, DOHS (w/o enclosures)
Ms. Cindy Forbes, DOHS (w/o enclosures)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

-----))	
IN THE MATTER OF)	
)	Docket No. PWS-PAO-93-007
)	
CITY OF FRESNO)	
1910 E University Street)	
)	
Fresno, California)	
)	
PWS ID No. CA1010007)	
)	
)	PROPOSED
Proceedings Under Section)	ADMINISTRATIVE ORDER
1414(g) of the Safe Drinking)	
Water Act, 42, U.S.C. §300g-3(g))	
-----))	

STATUTORY AUTHORITY

The following findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1414(g) of the Safe Drinking Water Act, 42 U.S.C. §300g-3(g) ("the Act"). The authority to take these actions has been duly redelegated to the undersigned Chief, Drinking Water and Ground Water Protection Branch, Water Management Division, Region IX.

FINDINGS

1. City of Fresno (Respondent) owns and operates a public water system, located in Fresno, California, providing piped water to the public for human consumption.
2. Respondent regularly provides piped water for human consumption to at least 50,000 people on a year-round basis. Respondent is a large size water system and is a "public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. §300f(4), and also a "community water system" within the meaning of 40 CFR §141.2.

PROPOSED ORDER

3. Respondent is a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. §300f(5) and 40 CFR §141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. §300g, and its implementing regulations, 40 CFR Part 141.
4. The State of California (the State) has not yet adopted the Federal Lead and Copper Regulation found at 40 CFR Part 141 Subpart I. As a result, EPA has primary responsibility for enforcing the requirements of the Lead and Copper Rule, 40 CFR Part 141 Subpart I.
5. 40 CFR §141.86 requires Respondent to monitor tap water for lead and copper during the six-month compliance period beginning January 1, 1992.
6. Respondent violated 40 CFR §141.86 by failing to monitor for lead and copper during the period January 1 - June 30, 1992.
7. 40 CFR §141.87 requires Respondent to monitor water quality parameters in addition to lead and copper during the six month compliance period beginning January 1, 1992.
8. Respondent violated 40 CFR §141.87 by failing to monitor water quality parameters beginning on January 1, 1992.
9. 40 CFR §141.90(a) requires Respondent to report to the State, specified information for all tap water samples and water quality parameter samples within the first ten days following the end of each monitoring period specified in 40 CFR §141.86.
10. Respondent violated 40 CFR §141.90(a) by failing to report the specified monitoring information within the required compliance period to the State.
11. Based on the nature of Respondent's violations of 40 CFR §141.86, §141.87, and §141.90(a), and based upon the available remedies for these violations, the number of days set forth in this Order for Respondent to achieve compliance is reasonable.

PROPOSED ORDER

ORDER

Based on the foregoing Findings, and pursuant to the authority of Section 1414(g) of the Act, I HEREBY ORDER that:

1. During the six-month period of January to June, 1993, the system owner shall comply with all requirements as specified in the Act and 40 CFR Part 141 Subpart I (Control of Lead and Copper). Respondent shall:
 - (a) Conduct a materials analysis and select sampling sites in accordance with Section 141.86 (a);
 - (b) Collect samples that are first-draw, one-liter in volume, and have stood motionless for at least six hours in accordance with Section 141.86 (b);
 - (c) Collect 60 samples (for water systems serving populations of 50,001 to 100,000) or 100 samples (for water systems serving populations greater than 100,000) in accordance with §141.86 (c);
 - (d) Monitor water quality parameters in addition to lead and copper in accordance with Section 141.87; and
 - (e) Report the results of the tap water monitoring for lead and copper and water quality parameters in accordance with Section 141.90 (a), including:
 - i. the location of each site and criteria under which the site was selected for the system's sampling pool;
 - ii. certification that each first draw sample collected is one-liter in volume, and to the best one's knowledge, has stood motionless in the service line, or in the interior plumbing of a sampling site, for at least six hours;
 - iii. where residents collected samples, a certification that each tap sample collected by the residents was taken after the water system informed them of proper sampling procedures specified in Section 141.86(b)(2);
 - iv. the 90th percentile lead and copper concentrations measured from among all lead and copper tap water samples collected during each monitoring period [calculated in accordance with §141.80(c)(3)];

PROPOSED ORDER

- v. the results of all tap samples for pH, and where applicable, alkalinity, calcium, conductivity, temperature, and orthophosphate or silica collected under §141.87(b)-(e); and
 - vi. the results of all samples collected at the entry point(s) to the distribution system for applicable water quality parameters under §141.87(b)-(e).
2. Such reporting required by paragraph 1 of this order and 40 CFR Subpart I shall be provided by certified mail to the following address:

U.S. EPA, Region IX
75 Hawthorne Street (W-6-4)
San Francisco, CA 94105

Attn: Patrick Chan
Drinking Water & Ground Water
Protection Branch

PWS-PAO-93-007
Phone Number (415) 744-1845

PROPOSED ORDER

GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension or modification of the requirements of the Safe Drinking Water Act or any of the regulations promulgated thereunder, including, but not limited to 40 CFR §141.86, §141.87, and §141.90(a) which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or any criminal action otherwise authorized under the Act.
2. Violation of any term of this Order may subject the Respondent to an administrative civil penalty of up to \$5,000 under Section 1414(g)(3)(B) of the Act, 42 U.S.C. 300g-3(g)(3)(B) or a civil penalty of not more than \$25,000 per day of violation, assessed by an appropriate United States district court, under §1414(g)(3)(A) and (C) of the Act, 42 U.S.C. 300g-3(g)(3)(A) and (C).
3. This Order shall be effective upon receipt. This Order shall remain in effect until the Respondent has complied with the monitoring and reporting requirements specified and cited in this Order.

Dated this _____ day of _____, 1992

William M. Thurston
Chief, Drinking Water and
Ground Water Protection Branch
Water Management Division
U.S. EPA, Region IX

PROPOSED ORDER

CERTIFICATE OF SERVICE

Re: Monterey Park Water Dept
Proposed Administrative Order
Docket No. PWS-PAO-93-007

I certify that the foregoing Proposed Administrative Order
was sent this day in the following manner to the below addressees:

Copy by Certified Mail
P 659-218-429

Return Receipt Requested to: Peter A. Rogers, Director
Office of Drinking Water
California Department of
Health Services
601 N. 7th Street
P.O. Box 942732
Sacramento, CA 94234-7320

Original by Certified Mail
P 659-218-441

Return Receipt Requested to: Monterey Park Water Dept
320 W Newmark St
Monterey, CA 91754

2 OCT 1992

Date



Liberty Cachuela
Secretary
Region 9